

HOUSE BILL 156

By Hawk

AN ACT to amend Tennessee Code Annotated, Section 38-3-120, relative to the security of nuclear facilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 38-3-120(i), is amended by adding the following language as a new subdivision (3) and by redesignating the current subdivision (3) as subdivision (4):

(3) Each peace officer appointed or designated by the owner of a category I nuclear facility is hereby authorized to use deadly force under conditions of extreme necessity, when all lesser means have failed or cannot reasonably be employed and when one (1) or more of the following circumstances exist:

(A) When deadly force appears reasonably necessary to protect such peace officer who reasonably believes himself or herself to be in imminent danger of death or serious bodily injury.

(B) When deadly force appears reasonably necessary to prevent the commission of a serious offense against persons in circumstances presenting an imminent danger of death or serious bodily harm, including sabotage of an occupied facility by explosives.

(C) When deadly force appears reasonably necessary to prevent the theft, sabotage, or unauthorized control of a nuclear weapon or nuclear explosive device or special nuclear material from a category I nuclear facility.

(D) When deadly force reasonably appears to be necessary to apprehend or prevent the escape of a person reasonably believed to:

(i) have committed an offense of the nature specified in subdivisions (A), (B) or (C) of this subdivision; or

(ii) be escaping by use of a weapon or explosive or who otherwise poses a significant threat of death or serious bodily harm to peace officers or others unless apprehended without delay.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.